Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010	)	CG Docket No. 10-213
	)	
Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996	)	WT Docket No. 96-198
	)	
In the Matter of Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision	)	CG Docket No. 10-145

REPLY COMMENTS OF T-MOBILE USA, INC.

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REPLY COMMENTS OF T-MOBILE USA, INC.

T-Mobile respectfully replies to initial comments filed on the above-captioned notice of proposed rulemaking (the "NPRM").[1] The NPRM seeks to implement Sections 716 and 717 of the Communications Act of 1934, as amended (the "Act"), which govern the accessibility of advanced communications services ("ACS").[2] Title I of the Twenty-First Century

[1] *See Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, Notice of Proposed Rulemaking, 26 FCC Rcd 3133 (2011) ("NPRM"). T-Mobile filed initial comments in this proceeding on April 25, 2011. *See* Comments of T-Mobile, CG Docket Nos. 10-213, 10-145, WT Docket No. 96-198 (Apr. 25, 2011) ("T-Mobile Comments"). All comments filed in this proceeding on or about April 25, 2011, are hereinafter short cited.

[2] *See* 47 U.S.C. §§ 617, 618.

Communications and Video Accessibility Act of 2010 ("CVAA")[3] added these sections to the Act in 2010. The Commission must prescribe implementing rules by October 8, 2011.[4]

SUMMARY AND INTRODUCTION

The CVAA and new Sections 716 and 717 of the Act provide a carefully calibrated legal framework supporting industry's efforts to improve both the accessibility of ACS and innovation.[5] The rules adopted in this proceeding should promote these goals as well.

The record shows that for T-Mobile and the other service providers participating in this proceeding, providing accessibility to ACS is a priority that they already are addressing in multiple innovative and flexible ways.[6] In contrast, some other commenters seek broad accessibility mandates without full regard to the provisions of the CVAA that balance the twin goals of accessibility and flexibility in implementing accessibility solutions.[7]

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[3] *See Twenty-First Century Communications and Video Accessibility Act of 2010*, Pub. L. No. 111-260, 124 Stat. 2751 (as amended by Pub. L. No. 111-265, 124 Stat. 2795 (2010)).

[4] *See* 47 U.S.C. § 617(e)(1).

[5] Section 716 requires providers of "advanced communications services" ("ACS") and manufacturers of equipment used for ACS to make their services and products accessible to people with disabilities "if doing so is achievable." *See Twenty-First Century Communications and Video Accessibility Act of 2010*, S. Rep. No. 111-386 at 7 (2010).

Section 717 establishes related recordkeeping and enforcement requirements. *See* 47 U.S.C. § 618. These sections, and other provisions of the CVAA, also expressly provide covered service providers and manufacturers flexibility in complying with their provisions. This flexibility is designed to permit industry to continue to develop innovative forms of ACS while achieving accessibility.

[6] *See, e.g.*, T-Mobile Comments at 3-4; CTIA Comments at 3-5; AT&T Comments at 1-2. T-Mobile offers solutions that meet its customers' multiple communications needs, including through innovative Internet Protocol ("IP")-based offerings. For example, the Sidekick 4G, a Hearing Aid-Compatible ("HAC") handset runs on the Android platform, which provides many features to aid accessibility, such as multiple screen reader options.

[7] *See, e.g.,* Telecommunications for the Deaf and Hard of Hearing, Inc. *et al* ("Advocacy Groups") Comments at 2; Wireless RERC Comments at 1-2.

As T-Mobile explained in its initial comments, the best policy course for the Commission as it adopts implementing rules is also the best legal course: to follow closely the balanced approach of the CVAA and its legislative history, which seek to provide for end user accessibility to ACS by providing ACS service providers and other industry participants with flexibility to meet the CVAA's goals.

Therefore, the Commission's implementation of Sections 716 and 717 should accommodate flexibility and innovation by service providers while promoting accessibility:

- The Commission should adopt an interim phase-in period of at least two years from the effective date of the new rules without enforcement actions under Sections 716 and 717, in order to provide time for service providers and manufacturers to incorporate features reflecting the new requirements in their services and products.

- The new rules must preserve the CVAA's third-party liability and proprietary technology limitations, and in particular, state clearly that service providers are not liable for the accessibility of third-party products or services over which the providers have no control.

- The Commission should affirm that its definitions of the various forms of ACS are limited in scope, consistent with statutory requirements.

- Section 716's "Rule of Construction" – which provides that service providers are not required "to make every feature and function of every device or service accessible for every disability" – should be applied consistently.

- The Commission must apply the four-factor "achievability" standard on a company-specific basis, and covered entities should be permitted to implement third-party as well as built-in accessibility solutions, as stated in the CVAA.

- Rules implementing Section 716, especially Sections 716(d) and (e)(1)(b), must ensure network security, reliability, and survivability.

- Performance objectives should be general and outcome-oriented.

- The new rules should provide that mainstream devices and software are among the peripheral devices used for accessibility solutions.

- The Commission should permit flexibility in administering the recordkeeping and enforcement provisions of Section 717, especially by refocusing the informal complaint process to facilitate resolution of customer accessibility issues in a more direct, less burdensome way.

DISCUSSION

I. THE RECORD UNDERLINES THE NEED FOR THE COMMISSION TO FOLLOW CLOSELY THE BALANCED APPROACH OF THE CVAA.

A. T-Mobile Supports an Interim Phase-In Period for Enforcement Of Accessibility Requirements.

The record in this proceeding demonstrates the complexity and scope of the new rules being considered to implement the accessibility and flexibility commands of the CVAA. Although the Commission faces a major challenge in adopting the new rules by October 8, 2011, ACS providers and manufacturers also face a challenge in designing and offering services in compliance with the new rules. Development cycles for mobile services and products do not stand still. New products and services continually are being developed and introduced into the marketplace.

As a practical matter, for full compliance with the new rules, service providers and their equipment vendors must first know what the actual, promulgated rules are. The mobile industry's development cycles necessarily mean that services and products that reflect the new rules will take some time after the rules' adoption to appear in the marketplace.

To address this issue, T-Mobile agrees with multiple parties that an interim phase-in period, during which enforcement of Sections 716 and 717 is suspended, is an essential component of the implementing regulations.[8] An interim phase-in period of at least two years is needed and is consistent with phase-in periods adopted for other complex sets of regulations.[9]

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[8] *See* Verizon Comments at 2-3, ITI Comments at 18-20, CEA Comments at 39-40.

[9] *See, e.g.,* ITI Comments at 19 n. 22.

For ACS, the Commission has ample authority to provide such an interim period. Section 716(b)(1) states:

> With respect to services provided after the effective date of the regulations established pursuant to subsection (e), **and subject to those regulations**, a provider of [ACS] shall ensure that such services offered by such provider in or affecting interstate commerce are accessible to and usable by individuals with disabilities, unless the requirements of this subsection are not achievable.[10]

Moreover, pursuant to Section 716(e)(1)(C), the Commission shall "determine the obligations under this section of manufacturers, service providers, and providers of applications or services accessed over service provider networks…."[11]

The statute thus expressly grants the Commission discretion in implementing its regulations regarding the CVAA's accessibility obligations. An interim phase-in period in this case is essentially an interim or temporary rule; courts generally do not disturb such interim rules if they are designed to avoid market disruption pending broader reforms.[12] An interim phase-in period would help avoid any market disruption, to consumers as well as manufacturers and service providers, as covered entities seek to comply comprehensively with the new rules. If, for example, manufacturers or service providers were to limit their offerings because of concerns about compliance with the new rules, consumers potentially would be impacted because fewer offerings would be available.

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[10] 47 U.S.C. § 617(b)(1) (emphasis added).

[11] *Id*. § 617(e)(1)(C).

[12] *See Competitive Telecomms. Ass'n v FCC*, 309 F.3d 8, 14 (D.C. Cir. 2002) (upholding interim rule regarding carriers' access to certain facilities pending completion of broader proceedings).

B. The Record Shows that ACS Providers Are Not Liable for the Accessibility of Third-Party Applications.

The record demonstrates that the limitation-of-liability provisions in Section 2(a) of the CVAA, as well as the proprietary technology provisions of Section 3, preclude service providers from being responsible for the accessibility of third-party services and applications ("apps").[13] This is true even for third-party apps that service providers include on their smartphones and tablets. Moreover, Section 2(a) of the CVAA means that ACS service providers are not required to police new third-party apps for noncompliance with accessibility requirements.[14] The Commission should clarify this important point in its rules.

In addition, mobile service providers should not be considered "manufacturers" for purposes of Section 716 or any other purpose, and certainly not with regard to third-party apps.[15] Although T-Mobile works closely with its vendors, including manufacturers of handsets and network equipment, it does not "make or produce" products and cannot reasonably be considered a manufacturer.

C. T-Mobile Agrees That the Definitions of the Various Advanced Communications Services Are Limited in Scope.

Interconnected VoIP Service: Several parties note correctly that "Interconnected VoIP Service" remains governed by Section 255 of the Act regardless of whether that service is being

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[13] *See* CVAA §§ 2(a), 3; CTIA Comments at 9-11; AT&T Comments at 8-9; *see, e.g.*, NetCoalition Comments at 4-6.

[14] Nothing in the CVAA, moreover, extends a service provider's obligations to third party applications – including VoIP offerings or apps – that utilize the service provider's network. *See* CVAA § 2(a).

[15] *See* T-Mobile Comments at 4-5.

offered together with another form of ACS.[16] Similarly, T-Mobile agrees that when a device has multiple purposes, the Commission should subject the device to Section 255 to the extent that the device provides a service – such as interconnected VoIP – that already is subject to Section 255, and should apply Section 716 only to the extent that the device provides ACS, and is not otherwise subject to Section 255.[17]

Non-Interconnected VoIP Service: With respect to "Non-Interconnected VoIP Service," the Commission should avoid an overbroad interpretation of the statutory definition.[18] There is strong support in the statute and the record for the Commission to state that an incidental VoIP function in a service intended to do something else should not be classified as "non-interconnected VoIP service."[19]

As Verizon shows,[20] a service provider's Section 716 obligations with respect to ACS, including VoIP-based services, apply only to "services ***offered***" by that company;[21] the fact that a service (such as a gaming, social media, or entertainment offering) includes an incidental VoIP component does not bring it within the statutory definition, because the service provider is not

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[16] *See* 47 U.S.C. § 617(f); *see also* AT&T Comments at 4; CTIA Comments at 13-14.

[17] *See* AT&T Comments at 4, Verizon Comments at 6.

[18] *See* 47 U.S.C. § 153(36).

[19] *See, e.g.*, 47 U.S.C. § 617(b)(1); CTIA Comments at 15-17 (demonstrating that ACS should exclude services and equipment not designed with advanced communications as their primary purpose).

[20] *See* Verizon Comments at 6-7.

[21] *See* 47 U.S.C. § 617(b)(1) (emphasis added).

offering VoIP to the public. The Commission therefore should focus on the service actually offered by a company to end users. [22]

Electronic Messaging Service: The record supports a straightforward application of the definition of "Electronic Messaging Service" ("EMS") as "real-time or near real-time" messages "between individuals." [23] The Commission should not expand the EMS definition simply on the basis that machine-to-machine ("M2M") or similar communications are an important part of the communications environment.[24] The degree of machine involvement in Internet communications is not a factor in this definition. Rather, the phrase "between individuals" in the definition must be governing.

Thus, the EMS definition is intended to cover widely-available services such as email, text messaging and instant messaging. It does not include M2M communications as well as human-to-machine communications. The legislative history shows that third-party html-based email and web-based services that might be accessed via a mobile device, such as social networking sites, are expressly excluded.[25] Clearly, in light of this express exclusion, efforts to expand the ambit of the rules to cover any M2M communications are outside the scope of the statute.

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[22] Further, even if the Commission does not alter its view of non-interconnected VoIP service, T-Mobile supports the grant of waivers to broad categories of services that may contain a non-interconnected VoIP element. *See* NPRM, 26 FCC Rcd at 3145-46, 3155.

[23] *See* 47 U.S.C. § 153(19) (emphasis added).

[24] *See* RERC-IT Comments at 11, Words+, Inc. Comments at 13.

[25] *See Twenty-First Century Communications and Video Accessibility Act of 2010*, H.R. Rep. No. 111-563 at 23 (2010) ("House Report").

Interoperable Video Conferencing Service: The Commission should reject arguments that construe the statutory definition of "Interoperable Video Conferencing Service"[26] to mandate that providers offer a video conferencing service that is interoperable among different platforms.[27] As multiple parties point out, there is no support for such a mandate in the CVAA or its legislative history – the term "interoperable" used in the definition is descriptive, not prescriptive.[28] The Commission also should reject the related argument that interoperability is mandated for all forms of ACS,[29] which is based on an inaccurate and overbroad reading of the CVAA.

Waivers and Exemptions: The Commission should maintain a flexible regime for waivers and exemptions without the artificial time limits and other constraints proposed by some commenters.[30] In light of the great diversity of services that might nominally fall into the four ACS definitions, a flexible waiver and exemption regime will help the Commission avoid imposing unnecessary obligations on services that the CVAA did not intend to cover.[31]

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[26] *See* 47 U.S.C. § 153(27).

[27] *See* Advocacy Groups Comments at 9-10; Wireless RERC Comments at 9. The NPRM appears to consider such a mandate in the guise of performance objectives for interoperable video conferencing service. *See* NPRM, 26 FCC Rcd at 3173.

[28] *See, e.g.*, Verizon Comments at 8-9; CEA Comments at 14-15.

[29] *See* Advocacy Groups Comments at 10.

[30] *See* RERC-IT Comments at 19-20.

[31] Section 716(h) allows the Commission to waive Section 716, on its own motion or in response to a petition by a service provider or manufacturer, for otherwise covered services that are "designed primarily for purposes other than using [ACS]"; Section 716(i) exempts customized services "not offered directly to the public" from the substantive requirements of Section 716. *See* 47 U.S.C. §§ 617(h), (i).

To avoid inadvertently preventing innovative services and technologies from getting to market, the Commission should be prepared to grant prospective and/or blanket waivers, particularly for service offerings where the ACS component is incidental to the primary purpose for which the service is designed.[32]

D. The Record Demonstrates the Importance of Section 716's Rule of Construction.

Section 716(j) - the Rule of Construction for Section 716 - provides that service providers are ***not*** required "to make every feature and function of every device or service accessible for every disability."[33]

As commenters show, the Rule of Construction provides important guidance to the Commission for determining how to interpret Section 716.[34] Section 716(j), in conjunction with Section 716(g)(4), ensures that incorporating accessibility in significant parts of various product lines, even if not on each individual product, will count favorably toward service providers' compliance. Thus, the mere fact that a particular feature or function is not accessible does not count unfavorably toward a covered entity's compliance.

E. The Commission Should Reject Arguments That Seek To Expand the Statutory "Achievability" Standard.

Achievability: As the NPRM recognized, Congress intended the Commission to evaluate whether accessibility is achievable for each service or product on a case-by-case basis.[35]

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[32] *See* ESA Comments at 2, 6-18; CTIA Comments at 17-19; CEA Comments at 17-20.

[33] 47 U.S.C. § 617(j). In addition, Section 716(g) describes the factors to be considered in determining whether the requirements of Section 716 are "achievable." *Id*. § 617(g).

[34] *See* NCTA Comments at 5; ITI Comments at 8-9; TIA Comments at 5.

[35] *See* NPRM, 26 FCC Rcd at 3158-59.

Commenters largely agree that, as directed by Congress, the Commission should consider only the factors specified in Section 716 regarding achievability, and should weigh these factors equally.[36]

The Commission should conduct achievability analyses on a case-by-case basis. Contrary to some arguments in the record,[37] whether a particular accessibility feature or technology might be achievable for one service provider is not a factor under the statute in determining whether it is achievable for another. The factors regarding achievability to be considered in Section 716(g) are defined in terms of "the specific equipment or service in question" and the "service provider or manufacturer in question,"[38] not in terms of a comparison among competitors or competing products. Every service provider has different technical, financial, and personnel resources, with different business models and distinct technology configurations and platforms that must be considered individually.

Industry Flexibility: The "industry flexibility" provisions of Section 716(b)(2) promote achievable accessibility by expressly permitting service providers to rely on the availability of third party services and apps for their own compliance purposes, if available at "nominal cost" to consumers.[39] T-Mobile agrees with other commenters that the CVAA precludes the Commission from preferring built-in accessibility over third-party accessibility solutions and that the new rules should reflect this balanced approach.[40] Contrary to the views of some parties,[41] after-

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[36] *See, e.g.,* CTIA Comments at 24-25; CEA Comments at 21.

[37] *See* RERC-IT Comments at 23-24; Words+, Inc. Comments at 23.

[38] 47 U.S.C. §§ 617(g)(1), (4).

[39] *Id*. § 617(b)(2).

[40] *See, e.g.,* Verizon Comments at 12-13; CEA Comments at 26-28.

market sales and simple installation of third-party solutions must be expressly permitted in the rules as the CVAA is implemented. Such activities are a hallmark of third-party, as opposed to built-in, solutions. Indeed, if such activities are not permitted, Congress's flexibility mandate would effectively be nullified.[42] As CTIA explains, after-market solutions "allow customers with disabilities to tailor a device to their unique needs."[43] T-Mobile's experience through its offering of services via handsets using the Android platform, is instructive. Numerous third-party apps, including those available on Android, help people with disabilities access T-Mobile's services. Today and in the future, there will be a continuing explosion in the development and availability of apps that will benefit all consumers, including those with accessibility needs. The Commission should not adopt any rules that would limit or chill the development of these innovative and beneficial products.

Similarly, when considering third-party solutions, the Commission should not interpret the term "nominal cost" so narrowly that it negates the provision of third-party accessibility solutions.[44] T-Mobile has noted that while the costs of these third-party solutions vary, one approach would be to consider their costs in comparison to the overall cost of the mobile service.[45] Similarly, CTIA urges the Commission to view cost, not as a percentage of an initial purchase price, but rather in relation to the overall value and life of the involved device and

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[41] *See, e.g.*, Advocacy Groups at 19-20; RERC-IT Comments at 26-27.

[42] *See* Verizon Comments at 13-14.

[43] *See* CTIA Comments at 27.

[44] *See* AFB Comments at 4; RERC-IT Comments at 26.

[45] T-Mobile Comments at 10. For example, the cost of a screen reader for a tablet may be nominal if it is small compared to the overall cost of the device and associated mobile broadband service for the life of the product. *Id.* at 10-11.

communication service.[46] T-Mobile also agrees with CTIA that "Congress intended that nothing in the [CVAA] should be construed to require covered entities to subsidize the cost of third party solutions for consumers."[47]

Although some commenters raise the factor of "burden to customers" in discussing when covered entities may use third-party solutions to achieve accessibility,[48] the Commission should not write this factor into its final rules. The "nominal cost" standard is the only factor permitted to be considered in Section 716(b)(2). In that regard, the legislative history confirms that the Commission should not establish any sort of fixed "percentage or amount" in determining "nominal cost."[49]

F. The Record Supports Clarifying That the Rules Implementing Sections 716(d) and (e)(1)(b) Must Ensure Network Security, Reliability, and Survivability.

CTIA's initial comments support T-Mobile's position that when implementing Section 716, the Commission must avoid actions that inadvertently could compromise network security, reliability, and survivability.[50] In particular, Section 716(d) requires that ACS providers not "install network features, functions or capabilities that impede accessibility."[51] Section 716(e)(1)(B) requires that Commission rules ensure that networks "not impair or impede the

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[46] *See* CTIA Comments at 28.

[47] *Id., citing* House Report at 24.

[48] *See* Advocacy Groups Comments at 19-20; *see also* NPRM, 26 FCC Rcd at 3164.

[49] *See* NPRM, 26 FCC Rcd at 3163; House Report at 24.

[50] *See* CTIA Comments at 29-30.

[51] 47 U.S.C. § 617(d).

accessibility of information content when accessibility has been incorporated into that content for transmission" via advanced communications networks.[52]

These provisions should be interpreted so as not to compromise the Commission's objectives of promoting network security, reliability, and survivability in broadband networks.[53] These objectives are best addressed through industry standards bodies, and the Commission should defer to those efforts.[54]

G. T-Mobile Agrees That Performance Objectives Should be General and Outcome-Oriented.

T-Mobile agrees with Verizon that the Commission should adopt the general, outcome-based performance objectives proposed in the NPRM, which are similar to those in the Commission's current Part 6 rules.[55]

T-Mobile also agrees that specific functionalities and standards mandated by Section 508 for government purchase of technology are not appropriate performance objectives for mass market, consumer-oriented ACS. Moreover, although T-Mobile acknowledges the valuable contributions of the Access Board in this area, the Commission should not incorporate the Access Board's tentative proposals at present, as the Access Board's process is not yet complete and Section 508 of the Rehabilitation Act is not aligned with or applicable to the mass market communications space.[56]

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[52] *Id*. § 617(e)(1)(B).

[53] *See* CTIA Comments at 29-30.

[54] *See id.* at 29.

[55] *See* Verizon Comments at 13.

[56] *See, e.g., id*.; CTIA Comments at 30; ITI Comments at 14-16; TIA Comments at 31.

H. The CVAA Permits Compatibility with Peripheral Mainstream Devices and Software.

When accessibility is not achievable either by building in access features or using third-party accessibility solutions, Section 716(c) provides that a service provider must "ensure that its equipment or service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access," unless that is not achievable.[57] T-Mobile agrees with ITI that such peripheral devices can and should include mainstream devices and software.[58] In T-Mobile's experience, widely available headsets and Bluetooth technology are examples of such peripherals, and constitute a thriving ecosystem of small providers and developers implementing widely available standards that can work with services to provide accessibility solutions. Clarifying by rule that the use of such peripherals is consistent with Section 716(c) would create a "win-win" situation both for accessibility and innovation.

II. THE RECORD DEMONSTRATES THE NEED FOR PRACTICAL RULES FOR RECORDKEEPING AND ENFORCEMENT.

A. Recordkeeping Requirements Should Permit Flexibility in Compliance.

Congress's mandate that the rules be applied with flexibility should govern the rules implementing Section 717's recordkeeping provisions.[59] As an initial matter, the Commission should mandate the retention only of the specific types of information listed in Section

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[57] *See* 47 U.S.C. § 617(c).

[58] *See* ITI Comments at 11-12.

[59] *See* AT&T Comments at 12; CTIA Comments at 30-31.

717(a)(5)(A)(i)-(iii).[60] The types of information specified in the statute are adequate to address most accessibility concerns without posing an undue burden on covered entities. Of course, covered entities should have the flexibility to retain other types or categories of records, but those specified in the CVAA should be the only ones that the Commission requires.

The Commission should not require that accessibility records be submitted or reported to it on a routine basis. As CTIA explains, the CVAA expressly declined to adopt such reporting requirements.[61] Moreover, Section 717(a)(5) does not require "uniform" – that is, identical – recordkeeping among products, services, or industry participants, and the Commission should not adopt such a requirement.[62] The format in which service providers maintain their records for the various activities subject to those requirements (*e.g.*, consulting with individuals with disabilities and product descriptions) will vary based on a number of factors, including available resources, the history and growth of the business organizations, legacy systems, and the complexity of their operations and services.

B. Enforcement and Complaint Procedures Should More Directly Address Specific Accessibility Issues.

T-Mobile supports CTIA's proposal that before filing a complaint about ACS accessibility, a party must first send a pre-filing notice to the service provider or manufacturer that it believes is responsible for a violation.[63] T-Mobile agrees with CTIA and others that requiring a consumer to notify covered entities before filing a complaint with the Commission

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[60] *See* CEA Comments at 41.

[61] *See* CTIA Comments at 31.

[62] *See* AT&T Comments at 12

[63] *See* CTIA Comments at 32.

helps ensure that the covered entity has adequate time to examine, respond to, and possibly remedy an alleged accessibility issue.[64] Contrary to RERC-IT's position, a pre-filing requirement would not be unduly burdensome for consumers.[65] T-Mobile believes that this is pro-consumer. It is far less burdensome for a consumer to work directly with a service provider to resolve a concern than for the consumer to have to comply with the Commission's extensive rules proposed for the complaint process.

Moreover, the record supports T-Mobile's proposal for complainants to describe with specificity the disability that prompted the complaint and the relief requested.[66] Complainants should provide as much information about the accessibility issue that concerns them, to foster prompt resolution of the complaint. Further, because of the complex technical issues raised by many complaints, T-Mobile agrees that the answer period in an informal complaint should be 45 days.[67]

There was significant concern expressed in the record about the burdensome and unusual procedural and content rules proposed for informal accessibility complaints. The Section 717 informal complaint procedures should be revised to focus on resolving the end user's specific issue that prompted the complaint, rather than commencing a general inquiry into a defendant's compliance with Sections 716 and 717. T-Mobile agrees with numerous commenters that the proposed content requirements for answers should be modified to focus more on the facts of the

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[64] *See id.; see also, e.g.*, Verizon Comments at 14; AT&T Comments at 13.

[65] *See* RERC-IT Comments at 40-41.

[66] *See* Words+, Inc. Comments at 36, CTIA Comments at 33.

[67] *See* CTIA Comments at 40; AT&T Comments at 17; Verizon Comments at 15. Commission staff also should consider good-faith requests for extensions of time to answer complaints.

specific informal complaint.[68] Defendants should not be subjected through the informal complaint rules to a *de facto* general investigation of their accessibility compliance. Instead, the Commission's rules should be designed to encourage the successful resolution of informal complaints while protecting confidential or proprietary information.

CONCLUSION

The record demonstrates that the Commission should adopt rules implementing Sections 716 and 717 of the Act that incorporate the flexibility for service providers specifically provided in those sections and related sections of the CVAA.

Respectfully submitted,

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[68] *See* AT&T Comments at 14-16; ITI Comments at 27-31.